

# Exhibit 5

DEPARTMENT OF JUSTICE  
STATE OF OREGON

IN THE MATTER OF:

CENTURYLINK, INC.,

Respondent.

CIVIL INVESTIGATIVE DEMAND

TO: CENTURYLINK, INC.  
931 14<sup>th</sup> Street, 9<sup>th</sup> Floor  
Denver, CO 80202

ATTN: Chris Sullivan, Senior Counsel, Denver, CO.

Via Electronic Mail Only to: [chris.sullivan@centurylink.com](mailto:chris.sullivan@centurylink.com)

GREETINGS:

This INVESTIGATIVE DEMAND is issued pursuant to the provisions of Oregon Revised Statute (ORS) 646.618, because it appears that CenturyLink, Inc., has engaged in, is engaging in, or is about to engage in an act or practice declared to be unlawful by the Oregon Unlawful Trade Practices Act, ORS 646.605 *et seq.*, and/or rules issued pursuant to that Act, which may include, but is not limited to the following conduct:

Causing the likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of real estate, goods or services (ORS 646.608(1)(b));

Advertising real estate, goods or services with intent not to provide the real estate, goods or services as advertised, or with intent not to supply reasonably expectable

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OREGON DEPARTMENT OF JUSTICE  
1162 Court Street NE  
Salem, OR 97301  
PHONE: (503) 934-4400

1 public demand, unless the advertisement discloses a limitation of quantity (ORS  
2 646.608(1)(i));

3 Making false or misleading representations concerning credit availability or the  
4 nature of the transaction or obligation incurred (ORS 646.608(1)(k));

5 Representing that real estate, goods or services have sponsorship, approval,  
6 characteristics, ingredients, uses, benefits, quantities or qualities that the real estate,  
7 goods or services do not have or that a person has a sponsorship, approval, status,  
8 qualification, affiliation, or connection that the person does not have (ORS  
9 646.608(1)(e));

10 Representing that real estate, goods or services are of a particular standard, quality,  
11 or grade, or that real estate or goods are of a particular style or model, if they are of  
12 another (ORS 646.608(1)(g)); and

13 Making false or misleading representations of fact concerning the offering price of,  
14 or the person's cost for real estate, goods or services (ORS 646.608(1)(s)).

15 **YOU ARE REQUIRED BY LAW TO APPEAR** at 2250 McGilChrist St SE, Salem,  
16 Oregon 97302 on July 25, 2017 at 10:00 a.m., to testify and produce all documents/information  
17 within your possession or control described in the attached EXHIBIT 1 of this  
18 INVESTIGATIVE DEMAND.

19 **ALTERNATIVE TO PERSONAL APPEARANCE:** Your appearance as demanded  
20 in this INVESTIGATIVE DEMAND can be fulfilled by mailing or shipping (to 1162 Court  
21 Street NE, Salem, OR 97301) the requested documents to the attention of Andrew Shull,  
22 Assistant Attorney General, at any time prior to the date and time for your appearance set forth  
23 above by this INVESTIGATIVE DEMAND.

24 **NOTE: THESE DOCUMENTS ARE OR MAY BE PHYSICAL EVIDENCE**

25 THE OREGON CRIMINAL CODE PROVIDES AS FOLLOWS:

26 ORS 162.295 Tampering with Physical Evidence.

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"(1) A person commits the crime of tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, the person:

- (a) Destroys, mutilates, alters, conceals or removes physical evidence, impairing its verity or availability; or
- (b) Knowingly makes, produces or offers any false physical evidence; or
- (c) Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

"(2) Tampering with physical evidence is a Class A misdemeanor."

Each violation of this law could lead to imprisonment of one year or a fine of \$5,000 for an individual, or a penalty of double the defendant's gain, or a fine of \$5,000 for a corporation.

#### INSTRUCTIONS

The relevant time period for which documents are requested is **January 1, 2014 to the present.**

In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents serving the same function during the relevant time period, even though the title of earlier documents may differ from current versions.

The document request calls for all described documents in your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., your company employees, distributors or dealers, competitors, or others).

The following procedures shall apply to the production, inspection and copying of documents:

- a. The producing parties shall produce original, complete documents.
- Documents shall be produced in the order that the documents are maintained in the producing party's files, in original folders, with the folder's original file tabs.

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True and exact copies of the original documents requested are acceptable alternatives to producing original documents.

b. All attachments to responsive documents shall be produced attached to the responsive documents.

c. No portion of any documents will be masked and the entire document shall be produced.

d. The documents shall be produced at the location set forth or at such other locations as counsel agrees.

e. Documents shall be available on reasonable notice for inspection and copying after initial production throughout the term of the investigation or litigation. The documents shall be maintained in the order produced to the requesting party.

f. The producer shall label each group of documents in the following manner: Response to Document Request No. 1; Response to Document Request No. 2, etc., and attach the label to the corresponding documents.

g. The producer will provide a key to all abbreviations used in the documents. The key will be attached to the appropriate documents.

DEFINITIONS

“DOCUMENT” and/or “DOCUMENTS” mean all written, printed, typed, recorded or graphic matter, photographic matter, sound reproductions, computer files, including electronic mail, tapes, inputs or outputs, however produced or reproduced or in any other matter from which information may be obtained, and drafts, non-identical copies, file folders and jackets in which the documents are contained. Non-identical copies refer to reproductions of the original document which have notations, markings, comments, or other material not appearing in the original.

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1       “CORRESPONDENCE” means all letters, telegrams, notices, messages, or other written  
2 communication or memoranda, electronic or otherwise, or other records of conversations,  
3 meetings, conference or other oral communications.

4       “YOU” and/or “YOUR COMPANY” means CenturyLink, Inc., its merged, consolidated  
5 or acquired predecessors, its divisions, units or subsidiaries, whether or not wholly owned, and  
6 its present and former officers, directors, agents, representatives or employees of any of the  
7 foregoing.

8                   DOCUMENTS/INFORMATION TO BE PRODUCED

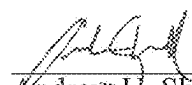
9       See attached Exhibit 1, incorporated herein by this reference.

10                   AUTHORITY

11       This demand may be enforced as provided in ORS 646.626.

12       NOTICE: Pursuant to ORS 646.626, should you fail to appear at 2250 McGilChrist St  
13 SE, Salem, Oregon on July 25, 2017 at 10:00 a.m., or to respond by the alternate method listed,  
14 as required by this INVESTIGATIVE DEMAND, the Oregon Department of Justice will  
15 request a court order as soon thereafter as possible mandating your appearance and such other  
16 relief as allowed in ORS 646.626.

17               Dated this 21<sup>st</sup> day of June, 2017.

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20 \_\_\_\_\_  
21 Andrew U. Shull  
22 Senior Assistant Attorney General  
23 Civil Enforcement Division  
24 Oregon Department of Justice  
25 1162 Court Street, NE  
26 Salem, OR 97301-4096  
Phone: (503) 934-4400  
Fax: (503) 378-5017  
Email: [Andrew.shull@doj.state.or.us](mailto:Andrew.shull@doj.state.or.us)

## EXHIBIT 1

**DOCUMENTS/INFORMATION TO BE PRODUCED**

Please certify all copies of documents to be true copies of originals. The relevant time period is January 1, 2014 to the present.

1. A spreadsheet containing the names and contact information for all former employees or agents/contractors of CenturyLink who communicated with, or otherwise serviced, Oregon consumers, including the former employee's job title and department.
2. Any and all audio recordings of customer service calls containing correspondence between CenturyLink, its representatives, agents, or affiliated entities, and Oregon residents where they have contacted CenturyLink about a complaint.
3. Any and all documents or correspondence between CenturyLink and any Oregon resident during the relevant time period concerning demands for refunds or credits related to CenturyLink's services.
4. A spreadsheet listing all Oregon consumers who have complained about CenturyLink's services, including address, telephone number, and email address, and the reasons for their respective complaints.

End Exhibit.

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